

Asbestos Regulations 2012 explained

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The Asbestos Regs.2012 now include 3 categories as follows:

- Non-notifiable, non-licenced work
- Notifiable, non-licenced work
- Licenced work (notifiable by default)

These are defined as follows:

Non-notifiable, nonlicenced categories

Regulations 9 (notification of work with asbestos) and 22 (health records and medical surveillance) do not apply where-

- a) the exposure of employees to asbestos is sporadic and of low intensity; and
- b) it is clear from the risk assessment that the exposure of any employee to asbestos will not exceed the control limit; and
- c) the work involves:
 - i) short, non-continuous maintenance activities in which only non-friable materials are handled, or
 - ii) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix, or
 - iii) encapsulation or sealing of asbestos-containing materials which are in good condition, or
 - iv) air monitoring and control, and the collection and analysis of samples to
- d) ascertain whether a specific material contains asbestos.

Notifiable, nonlicenced categories

NNLW normally includes, (assuming in all cases exposure is *sporadic and of low intensity* and will not exceed the control limit):-

- Minor maintenance work involving asbestos insulation where the work to be done meets the definition of 'short duration work', ie. work which does not require a licence. For example, repairing minor damage to a small section of pipe insulation where the exterior coating has been broken or damaged.
- Minor removal work involving AIB where the work to be done meets the definition of 'short duration work', ie. work which does not require a licence. For example, removing AIB panels fixed with nails or screws. (Note: the definition 'short duration work' will only apply to asbestos insulation and AIB)
- Removal work involving textured decorative coatings where the method of removal requires *deterioration* of the material. For example, where the material is treated by steam, hydrating gel etc and scraped off the underlying surface.
- Removal of asbestos paper and cardboard products if not firmly bonded in a matrix.
- Maintenance work on asbestos cement (AC) which cannot be described as short and non-continuous, but which does not require a licence because exposure is *sporadic and of low intensity* and will not exceed the control limit.
- Removal of AC which is substantially *degraded* eg. badly fire damaged material, or where significant breakage (*deterioration*) is unavoidable to achieve removal, but which does not require a licence because exposure is *sporadic and of low intensity* and will not exceed the control limit.

NNLW does not normally include the following, which will continue to be categorised as non-licensed work, (assuming in all cases exposure is *sporadic and of low intensity* and will not exceed the control limit) :-

- Short, non-continuous maintenance work involving AIB which is in good condition. For example, drilling holes in AIB to attach fittings or to pass through cables/pipes, cleaning light fittings attached to AIB, repairing very minor damage, eg a single broken corner, lifting ceiling tiles for inspection or access purposes.
- Short, non-continuous maintenance work on AC.
- Removal of AC. Weathered AC is likely to be able to retain the vast majority of fibres in its matrix and so should not normally be regarded as *degraded*. Most AC can be removed whole and the inadvertent breakage of the occasional piece during manual removal will not attract NNLW requirements.

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NNLW Continued

- Short, non-continuous maintenance work on textured decorative coatings. For example, drilling holes, inserting screws.
- Removal of textured decorative coatings when this can be achieved without deterioration of the material eg. by careful cutting around backing sheets to achieve removal intact.
- Removal, for example, of gaskets or asbestos rope cords from heating appliances which can be left in situ for disposal or can be lifted out virtually intact, without substantial breakage.
- Short, non-continuous maintenance work on clutch discs, brakes, friction products etc unless significant damage (deterioration) is required eg. by power tools.
- Work to enclose or seal asbestos materials which are in good condition (and which does not require a licence).
- Air monitoring and control, and the collection and analysis of samples.

Licensed categories

Licensable work with asbestos is—

- (a) work where the exposure of employees to asbestos is not sporadic and of low intensity; or
- (b) work for which the risk assessment demonstrates that the control limit will be or is liable to be exceeded; or
- (c) work on asbestos coating; or
- (d) work on asbestos insulating board or asbestos insulation for which the risk assessment demonstrates that the work—
 - (i) is not sporadic and of low intensity; or
 - (ii) will be or is liable to exceed the control limit; or
 - (iii) is not short duration work

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